

ISSUE DATE: March 15, 1996

DOCKET NO. E-123/C-95-1085

ORDER GRATING TIME EXTENSION

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Joel Jacobs
Tom Burton
Marshall Johnson
Dee Knaak
Don Storm

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Complaint of Ann Lanners
Against Minnesota Valley Cooperative Light
and Power Association

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PROCEDURAL HISTORY

On October 16, 1995, Ann Lanners filed a complaint regarding Minnesota Valley Cooperative Light and Power's (Minnesota Valley's or the Cooperative's) refusal to pay the average retail rates for energy generated by her proposed under-40 kW wind turbine, as required by Minn. Stat. § 216B.164, subd. 3 (c) (1994). Ms. Lanners brought her complaint to the Commission pursuant to Minn. Stat. § 216B.164, subd. 5 (1994).

On January 19, 1996, the Commission issued its ORDER ESTABLISHING BRIEFING SCHEDULE in this matter. The Commission directed Minnesota Valley to file a detailed legal analysis of the legal issues involved in this case, including the Commission's jurisdiction, the legal status of Federal Energy Regulatory Commission (FERC) decisions under PURPA vis-a-vis state law, and its federal preemption claim, within 30 days of the Order, i.e. on or before February 19, 1996.

On February 13, 1996, Minnesota Valley filed a letter requesting an extension of time to file its legal analysis to March 4, 1996.

On March 7, 1996, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

In support of its request for additional time to file its legal brief in this matter, Minnesota Valley explained that while the Commission's January 19, 1996 Order had been duly served upon the Cooperative, its attorney had not received a copy and the Cooperative had not

informed its attorney, assuming that he had been served with a copy at the same time the Order was served upon the Cooperative. By the time the attorney learned about the briefing date, the date was fast approaching so he filed a request with the Commission for additional time.

Under these circumstances, the Commission will grant the additional time requested. The Commission notes that the process will not be significantly delayed by this time extension and the Complainant, the Minnesota Department of Public Service (the Department), and the Residential Utilities Division of the Office of the Attorney General (RUD-OAG) will continue to have a full 30 days after actual receipt of the Cooperative's brief to file their comments in this matter, as provided by the January 19, 1996 Order. See Ordering Paragraph 2 at page 2. It is expected that the Department and the RUD-OAG, at least, will provide detailed analysis of the legal issues.

ORDER

1. The request of Minnesota Valley Cooperative Power and Light for an extension of time to file its legal brief in this matter is granted, extending the due date for that filing to March 4, 1995.
2. Within 30 days after receipt of Minnesota Valley's filing, the Complainant Ann Lanners, the Department, and the RUD-OAG shall file their comments on the issues in this matter.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)

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